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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined fourth and fifth periodic reports of the Gambia

Addendum

Replies of the Gambia**

[Date received: 24 June 2015]

Note: The present document is being circulated in English, French and Spanish only.

* CEDAW/C/61/1.

** The present document is being issued without formal editing.

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Please recycle

General context

1. Please provide detailed information on the process of elaboration of the fourth and fifth periodic reports, including whether civil society and women's rights organizations were actively involved in its preparation. Please provide information on specific measures taken to disseminate the Convention within the country, including its translation into minority languages so as to promote understanding by women, the general public and policy makers of women's right under the convention. Please also indicate the measures taken to protect the rights of all women's rights defenders, including foreign funding, without undue restrictions, and to operate without state interference.

Reply to the issues raised in question 1

2. The fourth and fifth period report was developed through a consultative process with a Task Force overseeing the development of the reports. The committee includes government, civil society, women's right organizations and donor partners. One of the measures taken to protect the rights of Women Right's defenders is the enactment of the Women's Act in 2010 which was translated in Arabic for better understand of the public. The entire content of the women Act was also recorded in four major local languages spoken in The Gambia and disseminated through different means of communication.

3. The Network against Gender Base Violence and the establishment of One Stop Centre for women victims, the integration of Gender issues into the Gambia Police Force training curriculum as well as the development of an Action Plan on UNSCR 1325 are all measures taken by the Government of The Gambia to protect the rights of all women's rights defenders. The 1997 Constitution has observed the fundamental right of all persons including human right defenders.

Reply to the issues raised in question 2

Constitutional, legislative and institutional framework

4. The Convention on the Elimination of all forms of discrimination Against Women (CEDAW) being an International document is not directly applicable in The Gambia, however, it has been domesticated into the Women's Act of 2010 and it is applicable to all women in The Gambia.

5. In 2011, Section 43 of the women's Act 2010 was invoked "in the case of Matty Faye v Dawda Jawara. In that case, Matty Faye (applicant) was able to obtain a declaration from the court that she is entitled to an equitable share of her matrimonial property, based on the substantial contribution in the development of the property, even though the property was in the name of her ex-husband."

6. The laws of The Gambia as provided in Section 7 (d-f) of the Constitution of The Gambia 1997 include the Common Law and Principles of Equity, the Customary Law and Sharia Law. However, the Civil Courts are accessible to all persons but with regards to the Customary Laws, it is used in so far as it concerns the members of the communities. Also for the Sharia Law, it is used as regards matters of marriage, divorce and inheritance among members of the communities to which it applies.

7. The laws are all very competent with respect to their applicability in the areas concern and are placed in any hierarchical order.

Access to justice

Reply to the issues raised in question 3

8. There is a Legal Aid Act of 2008 which established the National agency for Legal Aid in The Gambia. The mandate of the Agency is to be responsible for the administration of the grant of Legal Aid in proceedings where persons are in conflict with the law and cannot afford the services of a legal representation as enshrined in the constitution. The Agency embarks on Regional Mobile Aid Clinics which brings justice to all and sundry particularly to the indigent parts of the country who on account of being financially disadvantaged cannot afford legal services.

9. The Female Lawyers Association of the Gambia (FLAG) in addition to the pro bono legal services provided to disadvantaged women also embarks on various trainings, advocacy, sensitization on various laws, legal clinics and awareness campaigns on different issues relating to women and their legal rights.

10. Under the Women's Act 2010 every woman is entitled to equal protection and easy access to justice.

11. In the same vein, the Sexual Offences Act of 2013 which sought to amend the law and procedure relating to the trail of rape and other sexual offences as well as the Domestic Violence Act of 2013 which came into being to combat domestic violence, to provide protection for the victims of domestic violence particularly women and children are some of the means by which the government envisage to enhance women's access to courts and tribunals in cases of domestic and gender based violence against women. There is also the Trafficking in Persons Act of 2007 as well as the Tourism Offences Act all of which have been legislated in order to address some of the major issues which affect the rights and wellbeing of women and children in The Gambia.

12. The Women's Act 2010 prohibits all violence against women and girls (section 6) including any form of physical, sexual, psychological, or economic harm, suffering or violence occurring in public or private. It prohibits domestic violence of wife beating. Section 9 and 10 prohibits discrimination of women through words, acts inactions, omissions, regulations or administrative procedures by public, government or private enterprise.

13. The ministry of Justice in collaboration with the police investigates and prosecutes perpetrators whenever there is a report of sexual, domestic or of any form of gender based violence.

14. There is also the Network Against Gender Based Violence (NGBV) which embarks on campaign exercises being conducted to raise awareness on the issue of gender based violence and there is also the One Stop Centre at the Shelter in Bakoteh where victims of gender based violence are provided with psychotherapy and counselling.

National machinery for the advancement of women

15. The Common Core Document indicates that the mandate of the National Women's Council and its administrative Bureau has been significantly extended under the Women's Act 2010, and that together with the National Women's Federation they constitute the National machinery for the advancement of women,

given legal effect to the provisions of CEDAW and the National Policy for the advancement of Gambian women and girls (Para. 130, 131 and 148 of HRI/CORE/GMB/2012). Please provide information on the capacity, authority, visibility and human and budgetary resources of the National Machinery for the advancement of women and elaborate on the measures in place to ensure that the three institutions coordinate effectively among themselves and with relevant ministries and departments. Please explain what mechanisms are in place to coordinate the implementation of national policies between national and local level. A UNICEF funded study concluded in 2007 on gender budgeting in key government ministries revealed a minor gap, as most of the institutions lack knowledge, capacity and technical expertise to practice gender budgeting (Para. 64). Please indicate the steps taken to close the gap in gender budgeting in key government ministries.

Reply to the issues raised in question 4

Ministry of Women's Affairs

16. Measures taken for coordination of the implementation of both National policies between national and local level includes the establishment of the Gender and women empowerment Policy implementation committee, Gender Focal Persons members in both public and private sectors including NGOs as well as the establishment of the technical gender committee at the level of the ministry.

17. HE the Vice President of the Republic is the Minister responsible for women's Affairs. The idea of entrusting this portfolio in the hands of the Vice President is a clear manifestation that Government realizes and recognizes the vital role women play in national development.

National Women's Council and Bureau

18. Furthermore, the National Women's Bureau is the executive arm of the National Women's Council and is charged with its day to day administration as well as the implementation of policy decisions made by them. The Bureau coordinate, monitor and evaluate the implementation process of the Gender and Women Empowerment Policy 2010, and provide back stopping support in critical areas as well as set standards, develop guide lines and disseminate and monitor their progress.

19. However, with the support and collaboration of related institutional, structures and civil society organizational strive to integrate women into the Gambia's socioeconomic development process as equal partners, participants and beneficiaries.

20. In addition, The Women's Bureau also provide technical support on gender mainstreaming to ministries, institutions, organization, local governments bodies, civil society organizations and private sector. It coordinates, monitor and evaluate the implementation process of the Gender Policy, provide back stopping support in critical areas as well as set standards, develop guidelines and disseminate and monitor their operations. Furthermore, the Bureau also support gender units and focal persons by building their capacity in gender analysis, planning and provide budget line for their operations.

21. In addition, the Women's Act 2010, piece of Legislation that came into power charges the Council with wide functions and duties all geared towards ensuring

gender equality and the full and effective participation of women in all aspects of socioeconomic development

Gender focal points

22. The Gender Focal Point Network comprises members of the Senior Management Teams representing all government sectors and parastatal, key women's NGOs, UN Agencies and other Civil Society institutions. Through its comprehensive nature and the high level of operations of its membership, the Bureau has succeeded in ensuring that Gender Mainstreaming (GM) has a strategic relevance in the policy-making and planning agendas of those institutions. Regular meetings have been convened for planning, monitoring and evaluating the work achieved and challenges encountered in GM implementation within those sectors. Internal sectoral budgeting for GM activities is integrated in the main corporate financial provisions by each sector. Gender disaggregated information is generated and disseminated through this GM modality.

National Women's Federation

23. National Women's Federation creates a well-organized platform for women's effective participation in national development. It provides sustained institutional strengthening of women's groups and organizations at community, Ward, Local Government Areas and national levels, so that they are able to fully participate in all aspects of socioeconomic activities. Furthermore, the National Women's Federation provides and institutional medium of communication between the institutional structure for the management of the gender agenda and the women groups from village to the national level.

Budgetary resources of the national machinery

24. The government of The Gambia provides yearly contributions/support to Local Organizations under the platform of the Ministry of Women's Affairs. In addition, quarterly sitting allowances are provided by the Government for Women's Councillors.

Steps taken to close the gap in gender budgeting in key government ministries

25. The Commonwealth Secretariat with collaboration with Ministry of Women's Affairs and Women's Bureau has held advocacy and capacity building workshops on Gender Responsive Budgeting (GRB) for Cabinet Ministers, National Assembly members, Permanent Secretaries, Directors of Parastatals and Local Government Executives.

26. The major goal for Gender Responsive Budgeting was to ensure that the budget becomes gender focused, i.e. to ensure that gender issues are included from the beginning of planning stages to the budget which is now an approached under the Programme for accelerated Growth and Employment (PAGE) 1 and II. Gender Responsive budgeting is recognized in Gambia as an effective measure in creating gender equality and empowerment for socioeconomic development — The Directorate of planning at MOFEA is committed to oblige sectors to include gender in their sector policies, plans, programmes and budgets, through the new PAGE. Furthermore government instructed all ministries through Personal Management Office (PMO) appointed Development Planners at their ministries in 2014.

27. The Ministry of Women's Affairs and the National Women's Bureau and Council are taking the lead in the advocacy campaign with the Vice President as the lead advocate ensuring that gender budgeting takes place in all sectors, especially within the planning cycle of 2012-2015. The Gambia according to its Commonwealth Gender Budget Training Programme which unfortunately was a one of programme for about a month in 2010 was interested in the following outcomes:

- Enhancing and developing the skills of policy makers on gender responsive budgets
- Raising capabilities on the value of women's economic empowerment among the Gambian cabinet, National Assembly members and high-level public officials in understanding the links between gender equality and economic growth
- Articulating the role of policy makers in accelerating national development processes through the use of gender responsive budgeting
- Information and knowledge sharing among participants on opinions and opportunities to advocate for and implement gender responsive budgeting. Outcomes of the training conducted for GRB was part and parcel of the PAGE programme which rolled out this year 2015.
- All government ministries, agencies parastatals, private sector and NGOs have GRB in their normal planning and budgeting process.
- The Office of the Vice President and Minister for Women and Gender Affairs is leading the Advocacy and we are working closely with Ministry of Finance and Economy Affairs, The Public accounts Committee of the National Assembly also ensures that gender equality are being included in the Budget
- Broadening the partner base included all development stakeholders

National Human Rights Institutions

Reply to the issues raised in question 5

28. The Gambia with the assistance of the commonwealth Secretariat conducted consultations on the establishment of a National Human Rights Commission and such consultations are still ongoing. After due consultations, a Bill will be passed for the establishment of the Institution.

Temporal special measures

29. Please provide detailed information on temporary special measures that are in place or envisage in line with article 4 (1) of the convention and the committee's general recommendations No 25 on temporary special measures, to promote and accelerate de facto equality between men and women in all areas covered by the convention, in particular in education, employment and participation of women in economic, political and public life.

30. The specifics on closing the educational/training gap for more employment opportunities for women and girls is found in many initiatives taken by the Government to provide for the girl child to be enrolled in schools. The most laudable initiative was the President Educational Trust fund for girls' education (PEGEP). The fund provides scholarships for girls who achieve outstanding results

to pursue further education to widen their opportunities for jobs in the labour markets. The Labour Act 2007 also provides for equal employment opportunities for both men and women who attain certain levels of qualifications in the formal sector. The above initiatives are both in legislations and practical approaches thus close the educational/training gaps for women and girls to secure better jobs in the formal sector.

Stereotypes and harmful practices

31. The committee has previously express its concerns at the high incidence of female genital mutilation in the country and the lack of legislation, policies and programmes aimed at eradicating this harmful practices (CEDAW, A/60/38, Paras. 195-196). Information available to the committee indicates that a National Plan of Action to Accelerate the Abandonment of FGM/C has been developed with support from UNFPA/UNECEF which led to the development of several measures including the Community Empowerment Programme initiative (2006-2009). Please provide information on the implementation and impact of this programme and the plan of action on the negative attitude and believes and the prevalence of FGM/C in the Gambia. Please indicate other measures taken or envisage to change social and cultural patterns and eliminate gender based stereotypes and harmful practices, including FGM/C and child and/or forced marriages. The report indicates the need for sustained sensitization, awareness creation and behaviour change communication for people to give up the practice of FGM/C. (Para. 13). Please provide information on measures in place to target women and men at all levels of society, traditional and religious leaders, the school system and the media with sensitization and behaviour change communication and indicate whether the State Party intends to adopt and adequately implement legislation criminalizing FGM/C and to ensure that offenders are adequately prosecuted and punished (Para. 197 of CEDAW/A/60/38).

Reply to the issues raised in question 7

32. There is no specific law that prohibits the practice of FGM/C in the Gambia. The National Plan of Action on FGM/C is yet to be approved. However, it is envisaged that when approved, the Bureau will mobilize funds from government and its development partners like UNICEF and UNFPA to finance its implementation. The Women's Bureau in partnership with UNICEF, and TOSTAN are working on a Community Led Project in Upper River Region in order to abandon FGM/C. In addition, three policy dialogues were conducted for religious and community leaders at the national and regional level to ensure their effective participation in the campaign to end FGM/C in The Gambia. Moreover, series of sensitization on the content of the Women's Act 2010 were conducted which prohibits all harmful practices on women and girls. To complement Government efforts in the area of FGM/C, NGOs/CSOs are engaged in advocacy and awareness campaigns in communities which resulted into "Dropping of the Knife" in certain communities. FGM/C is not prohibited in The Gambia therefore no criminal sanction can be taken against practitioners or those promoting it. In addition, in the area of the school system, there is no sensitization conducted on FGM/C at that level. For the print media there is no sensitization conducted at grass root level on FGM/C however, they write poems on the effects of FGM/C.

Violence against women

33. Information available to the committee shoes that the National Assembly has passed the Domestic violence Act in 2013. The Sexual Offences Act, which amends the law relating to trials for rape and other sexual offences, was also adopted in 2013. Please provide information on the measures taken to ensure their full implementation, including through prevention, protection and access to effective remedies and rehabilitation for the victims as well as punishment of offenders. The report showed that a study conducted in the state party revealed a number of constraints that serve as barriers to the education of violence against women. They include the culture of silence, fear, shame, lack of knowledge of existing legislation, and lack of date among others (Para. 36). Please indicate the steps taken to ensure the collection of disaggregated data with a view to providing empirical evidence of the extent to which violence against women exists in the State party, the level of implementation of the laws, the number of prosecutions and convictions and the number of shelters.

Reply to the issues raised in question 8

34. The implementation started in earnest since these legal frameworks (Sexual Offences Act, and Domestic Violence Act, 2013) came into being. The Office of the Vice President and Ministry of Women's Affairs set up a National Steering Committee to coordinate and monitor the implementation of the Acts. There also established Coordination Committee that meets every quarter to review cases that were reported to the Ministry and the Women's Bureau and seek for appropriate measures to address the matter. The Acts were developed to enhance the implementation of laws and policies that guarantee the rights of women in the Gambia.

35. In addition series of sensitizations and trainings are being conducted to create more awareness on the existence of the legal frameworks including the security apparatus, the traditional authorities, religious leaders, women and girls among others. The Gender and Child Welfare Unit have been setup at the Gambia Police Headquarters and Police Gender and Child Welfare Officers have been trained to provide support and posted to almost all Police Stations in the urban and provinces. Offenders of Domestic Violence and Sexual Offences are being brought to court to address the injustices.

36. Female Lawyers Association the Gambia (FLAG) is implementing legal empowerment initiatives that enable women to be active participants in using the law. These interventions include the provision of legal services, such as legal aid and paralegals; capacity building made human rights awareness trainings. FLAG has recently trained rural women as paralegals as well as conduct sensitization workshops.

37. **Government's efforts** — The Gambia National Plan of Action (NPOA) on GBV 2013-2017 which was supported under the UNICEF/UNFPA Joint programme has been adopted The overall objective of the NPOA is to "reduce the number of women who accept Gender Based Violence from 75.5 per cent to 30 per cent." The formulation and implementation of Gambia's National Action Plan on Gender-Based Violence, is part of efforts for the harmonization and coordination of interventions of both state and none state actors in sensitization and discussions on traditional and cultural issues that affect the health and wellbeing of women and

girls. The partnership for the implementation of the National Action Plan with civil society, religious leaders, community leaders and faith based organizations is essential in enhancing local level commitment to the eradication of violence against women and girls.

38. Domestic Violence Act 2013 and Sexual Offences Act 2013 prohibit all forms of Domestic and Sexual Violence against women adopted and integration approach to addressing the menace including; protection, prevention, punishment and rehabilitation of Offenders and Counselling and Integration of Victims. One-Stop Centre: NGBV in partnership with the Department of Social Welfare, Ministry of Basic and Secondary Education (Gender Education Unit), Attorney General's Chambers and Ministry of Justice, Women's Bureau, The Gambia Police Force (Police Child Welfare and Crime Units), Edward Francis Small Teaching Hospital, Female Lawyers Association the Gambia, and Action Aid International, The Gambia (AAITG) have setup up the "One-Stop Centre located in Edward Francis Small Teaching Hospital." It ensures appropriate prevention of and response to GBV through a multi-sectoral approach that is well coordinated, less bureaucratic, sensitive and friendly. It ensures the availability of all the necessary services under one roof and provided a high standard of comprehensive care to victims and survivors of gender based violence in a confidential environment. Below are the GBV cases recorded in key institutions handling such cases from January to June 2014:

GBV cases recorded from January to June 2014

No.	*Institution*	*No. of cases*	*Type of GBV cases*
1	Department of Social Welfare	29	• 15 Sexual Violence • 6 Physical Violence • 8 Emotional/Psychological (forced marriage, 1 early marriage, 2 domestic Violence cases)
2	Edward Francis Small Teaching Hospital	30	• Cases include physical and sexual violence
3	Ministry of Justice	20	• Sexual Violence (rape and defilement)
4	Female Lawyers Association Gambia	6	• 6 cases including physical and emotional, 1 successfully prosecuted, 5 withdrawn
5	Serrekunda Hospital	18	• 9 Sexual Violence, 9 Physical Violence (1 against a man)
6	Police Gender & Child Welfare Unit	21	• 13 rape cases, 2 attempted rape cases, 1 indecent assault case, 5 defilement of girls under 16 years of age • 19 of the cases are children under 18 years • 9 are below 11 years • 10 are between 11 & 16 years • 2 are adults — 18 and 19 years

39. The Department of Social Welfare through the focal person for GBV reported that 1,195 cases of GBV have been recorded from 2010 to date which is higher than before. These data are a good indication of the awareness on GBV and the positive responds of the general public to eradicate it, which is a break of the culture of silence.

40. Despite the enactment of The Domestic Violence and Sexual Offences Act the capacity of the relevant institution to enforce these innovative legislations remains a challenge.

41. Reporting mechanisms for abuse and exploitation outside of the Greater Banjul Area needs to be strengthened and regulatory guidelines and monitoring mechanisms on women and children protection issues are not available at all levels. There is need to put in place such mechanisms to fasten response.

Trafficking and exploitation of prostitution

42. The report indicates that trafficking in women is criminalized following the promulgation of the Trafficking in Persons Act, 2007, which also establishes a National Agency against Trafficking in Persons (Para. 40 and 41). Please provide more detailed information on the progress of implementation of this Law, including on (a) the number of prosecutions and convictions of traffickers since its promulgation, (b) the resources allocated to the National Agency against Trafficking in Persons, (c) the number of and funding for shelters for trafficked victims, (d) training of law enforcement personnel to proactively identify victims among vulnerable populations, improve data collection relating to victim identification and law enforcement statistics, and (c) providing victims with rehabilitation and reintegration services. Please indicate measures taken to ensure proper investigation of trafficking cases and adequate sentencing for convicted offenders.

Reply to the issues raised in question 9

Trafficking and exploitation of prostitution

a. The National Agency against Trafficking in Persons (NAATIP) has a series of border post sensitizations as well as community awareness campaigns in order to sensitize the communities and security officers on how to identify and control the issue of trafficking.

There has been no prosecution or conviction of any trafficker since inception of the Act. However, the Agency is currently conducting an investigation against a suspect alleged to have trafficked some girls to Lebanon and this might result to the first prosecution by the Agency.

The Agency has its own Investigators and prosecutors and despite the fact that there are no prosecutions, preventive measures are being taken by the Agency in collaboration with the Law Enforcement Agencies to stop traffickers

b. The Agency is purely being funded by The Gambia Government.

c. There is a shelter for trafficked victims under the purview of the Department of Social Welfare.

d. The Agency conducts training for its officers as well as law enforcement officers to proactively identify traffickers.

e. The trafficking in Persons Act has made provisions for the rehabilitation and reintegration of trafficked victims back into society.

f. There are also plans to ensure proper investigation of trafficking cases through the training of the Agency's investigators and the security forces.

43. The report is silent on the prevalence of prostitution in the State party although it provides information about measures aimed at tacking the phenomenon of sex tourism which is a concern in The Gambia (Para. 42). Please provide information on the prevalence of prostitution in the State party, the applicable legal framework, as well as what programmes, if any, are available to women wishing to leave prostitution. Please provide updated information on the measures taken to address the phenomenon of sex tourism in the country, including towards ensuring the effective implementation of the Tourism Offence Act, 203, the Tourism Code of Conduct of 2005, and the Commercial Sexual Exploitation Plan of Action. Please also indicate the measures in place to ensure that the Child Sex Tourism Task Force under the Gambia Tourism Authority and the Tourism Security Unit within the Police Department are adequately resourced to ensure their effectiveness.

Reply to the issues raised in question 9

Issue of prostitution

Prevalence of prostitution

44. Prostitution still exists in The Gambia but raids are normally conducted by the Law Enforcement Officers against suspects.

The Applicable legal framework

45. The criminal code (Revised Laws of The Gambia 2009), the Children's Act 2005, the Sexual offences Act 2013, the Tourism Offences Act 2003 and the Trafficking in Persons Act 2007 sets in place the legal framework necessary for protecting women and girls from all forms of sexual abuse and exploitation. Rape of a woman and indecent assault against a woman or girl is prohibited. The age of sexual consent for girls is put at 18 years; girls below 18 years are protected from being procured in unlawful sexual activities in the Gambia or anywhere else. The procurement of a woman for prostitution in The Gambia or somewhere else is prohibited by the Criminal Code.

Programmes, if any are available for women wishing to leave prostitution

46. Women wishing to leave prostitution do not necessarily go public about it due to the prevailing culture of silence that exists in the country. There are currently no programmes set in place for such women.

Measures taken to address the phenomenon of sex tourism in the country

47. Legislative measure, policies and regulations are put in place to address issues of sex tourism in the country. The Gambia Tourism Board in collaboration with the Law Enforcement Agencies does organize raids against alleged sex workers.

48. Sensitization and awareness campaigns through banners, bill boards and postings at crucial areas like the Airport, the Tourism Development Areas, Hotels, Highways and other locations by The Gambia Tourism Board, in order to raise

awareness about the issue of Child Sex Tourism as well as other forms of sexual exploitations.

Participation in political and public life

49. The report indicates that Affirmative Action by the top leadership has result in a Cabinet with 33 per cent ministerial positions held by women and that the 2nd and 3rd highest positions in the Government are held by women (i.e. the Vice-President and Minister of Women's Affairs as well as the speaker of the National Assembly) (Para. 45). The report however concedes that, notwithstanding the Local Government Act (LGA) 2002, which provides for equal male and female representation in Village Development Committees and Ward Development Committees, women's participation in local government remains very limited. Please provide information on measures taken or envisaged to increase the number of women elected and/or appointed to decision-making positions and on effects to achieve equal representation of women in political and public life at all levels, including through the adopting of temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004).

Reply to the issues raised in question 11

50. The Government's policies and laws have favour women's participation in political activities in the Gambia as well as possible ways of networking and institutional engagements for increased representation of women in elective and appointive positions in the country. The government and its partners have designed series of interventions to achieving gender equality and women empowerment to allow for women to participate in decision making and political processes on equal footing with the men.

51. In our effort to increase the women participation in governance, there is need to change people's mindsets through rigorous Sensitization and awareness creation on the social benefits of women's effective participation in decision making as well as continuation of training of selected women in community leadership, networking and advocacy skills.

Education

52. The report indicates that there has been progress in expanding access to education for girls at all levels as a result of different projects and programmes that have been implemented since the consideration of the previous periodic report, including through the implementation of the National Education Policy 2004-2015 and gender mainstreaming strategies contained in the Education Sector Strategic Plan 2006-2015(Para. 14-15). Please provide updated data on the percentage of the national budget allocated to education and on the measures in place or envisaged to (a) increase the enrolment rate of girls at all levels of education in particular at the tertiary level which remains low (Para. 25), (b) reduce the school drop-out rate among girls, (c) eliminate economic, social and cultural obstacles to girls' access to education, including the direct and indirect costs of education, child and/or forced marriage as well as adolescent pregnancy, (d) eliminate stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training, and € eradicate female illiteracy, particularly in rural area, including through comprehensive education programmes at the formal and non-formal levels, as well as programmes specifically targeting adult women.

Reply to the issues raised in question 12

Employment

Measures taken to close the educational/training gap with a view to ensure that more women achieve the levels of qualification necessary for securing work in the formal sector

(1) Measures taken to close the educational/training gap with a view to ensure that more women achieve the levels of qualification necessary for securing work in the formal sector.

53. The specifics on closing the educational/training gap for more employment opportunities for women and girls is found in many initiatives taken by the Government to provide for the girl child to be enrolled in schools. The most laudable initiative was the President Educational Trust fund for girls' education (PEGEP). The fund provides scholarships for girls who achieve outstanding results to pursue further education to widen their opportunities for jobs in the labour markets. The Labour Act 2007 also provides for equal employment opportunities for both men and women who attain the certain levels of qualifications in the formal sector. The above initiatives are both in legislations and practical approaches close the educational/training gaps for women and girls to secure better jobs in the formal sector which is a laudable achievement.

(2) Measures being put in place to address the scarcity of gender disaggregated data on the representation of women in the informal, public and private sectors and in decision making positions.

54. The Ministry of Trade, Industry, Regional Integration and Employment in an effort to address the scarcity of disaggregated data on the representation of women in the public, private and informal sectors, commissioned a study in April 2012 "Labour Force Survey" (LFS) to provide disaggregated data on both men, women and other key variables in the economy as a whole. The study when finalized would avail us adequate information on various representation of women in the public, private and informal sectors including those in decision making positions. The data would form part of the already established Labour Market Information System (LMIS) at this Ministry which is aimed at providing support for evidence-base policy making with regard to employment and labour market issues.

(3) On the protection and other types of social or other services available or envisaged for women in the informal sector especially for those in the informal sectors.

55. There is a national social protection policy which seeks to address most of the social protection including maternity leave which is encapsulated in the Labour Act 2007. The Domestic Workers Convention of the International Labour Organization (ILO) is yet to be domesticated into the national laws of the Gambia. Notwithstanding the integration of such workers in the formal sector is being put into consideration by the Government.

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Health

59. The Committee was informed that abortion is an offence in all cases except when the health or life of the mother are at risk. Abortion is punishable by imprisonment of between three years to life in the State party. Please indicate whether the State party is considering the decriminalization of abortion and whether there are plans to expand the grounds under which abortion will be available to women e.g. instances where pregnancy has resulted from rape or incest and where there is likelihood of severe foetal impairment. Please also provide information on the impact of unsafe abortion on women's health, including maternal mortality ratio, which were at 360 deaths per 100,000 live births in 2010. Please provide information on the prevalence of early pregnancies and on the measures envisaged to further increase the availability and accessibility of age-appropriate comprehensive sexual and reproductive health and rights education and family planning services as well as on the rate of contraceptive use. Please indicate the measures envisaged to further address (a) the persisting high rates of maternal and infant mortality, especially among certain ethnic groups, despite some progress made in this regard, and (b) the persisting lack of access to basic health-care services, including essential obstetric care, trained, skilled and motivated personnel and adequate, modern medical equipment.

Reply to the issues raised in question 14

60. Abortion is an offense in all cases except when the health or life of the mother is at risk

61. Impact of unsafe abortion: this can have adverse consequences on the health of women. It can

62. Cause infertility, septicaemia, and perforation of uterus, severe haemorrhage and death.

63. Adolescent fertility and early child bearing stand at 19 per cent and 118/1000 respectively (MICS 2010) Measures envisaged to further increase availability and accessibility of age appropriate comprehensive sexual and reproductive health and rights education and family planning and contraceptive use are

- Production of services manuals on adolescence and family planning for services providers
- Awareness creation in communities using community radios and traditional communicators
- Expansion of services delivery points (outreach services, clinics & health centres) in the communities to improve access to family planning and adolescent health services
- Maintaining uninterrupted supply of method mix contraceptive at various levels of care including the community.
- Making major health centres functional by providing Comprehensive Emergency Obstetric care services
- Training of service providers on contraceptive technology.

High maternal and infant mortality

64. Progress though small but significant has been registered in the areas of maternal and infant mortality as revealed in the2013 demographic and health survey conducted nationally. Maternal mortality reduced from 730/100000 live births in 2001 to 433/100000 live births in 2013. The maternal mortality of 360/100000 LB was a projection of the joint UN report. Infant mortality is reduced from 75/1000 live births in 1999 to 34/1000 live births in 2013 demographic and health survey (GDHS).

Measures taken

- In addition to all the hospitals that are providing comprehensive (EMONC) services, three Major Health centres have started providing these services in western, Lower and Upper River Regions respectively. Renovation works including the operating theatres are almost completed for 2 other Major Health centres namely Essau and kuntaur to offer the same services
- Doctors are now being posted to health facilities in the regions for timely interventions and provision of quality care in rural areas
- Pronouncement by H.E of free maternal, new born and child health services

- Institutionalization of Advance midwifery program in the training school for skill improvement in the provision of basic obstetric care services in all the health facilities in the country
- Training of Peri-operative and anaesthetist nurses to make operating theatres operational for obstetric care services in the rural areas
- Training of service providers on Focused antenatal care
- Training of nurses on emergency maternal, newborn and child health
- Neonatal care training for services providers
- Provision of vaccines and maintenance of high immunization coverage
- Provision of life saving equipment
- Recent introduction of Result Base Financing

Programmes to support women living with HIV and AIDS

65. The National AIDS Secretariat (NAS) based on the "three ones principles" is responsible for the overall coordination and management of the national HIV response. Programmes to support women living and affected with HIV are not stand alone but integrated in the comprehensive HIV interventions and in Sexual and Reproductive Health Services.

66. The NAS just concluded the review and update of both the National HIV Policy and National Strategic Plan (NSP) for the period 2015-2019, with an overall goal: **To achieve zero new HIV infections, zero AIDS-related deaths and zero stigma and discrimination in The Gambia.**

67. **One of the objectives is: To reduce mother to child transmission of HIV at 6 weeks from 10 per cent in 2013 to 3 per cent by 2019.**

68. The NSP intends to promote and strengthen PMTCT services and its integration into Reproductive, Maternal, Newborn and Child Health (RMNCH) services and also aims to reduce the rate of HIV transmission from mother to child to 3.9 per cent by end of 2017.

Priority interventions for PMTCT in the 2015-2019 NSP

(i) Increase public, NGO, and private health facilities offering integrated MNCH, ANC and elimination of mother to child transmission (e-MTCT) services: The first opportunity for scaling up e-MTCT is to ensure all antenatal clinic (ANC) sites provide HCT services. PMTCT sites will be increased from 32 in 2014 sites to 57 sites by 2017 and maintained to 2019. E-MTCT will be integrated with RMNCH, staff trained on HCT and test kits supplied to enable these sites provide the service. Monitoring of the sites will be intensified to ensure quality service. Some PMTCT sites with the required capacity will be converted into ART sites to implement the option B+ policy. Task shifting and the use of point of care equipment will be incorporated into the scale up strategy to the decentralized levels.

(ii) Sensitization of women and men on e-MTCT: Civil society organizations, community health workers and community leaders will be engaged to sensitize women and men on e-MTCT and mobilize pregnant women to visit ANC sites.

(iii) Engage political leadership for comprehensive e-MTCT of HIV at all levels: Meetings will be held with National Assembly Members to build the advocacy for e-MTCT at their constituency level; and funding for e-MTCT from the government budget

(iv) Develop national and regional capacity for coordination, organization, quality assurance and management of e-MTCT utilizing RCH platform

(v) Establish community involvement initiatives and linkage mechanism to health facilities aiming at creating demand and increase service utilization for RCH and e-MTCT of HIV

(vi) Strengthen logistics management system and commodity security for e-MTCT

(vii) Support women PLHIV support groups for skills acquisition and development coupled with income generating activities

69. The main intervention area is the Prevention of Mother to Child transmission of HIV (PMTCT); these are intended services to address a wide range of prevention, treatment care and support services along a continuum of care from pregnancy through childhood. The PMTCT of HIV covers a package of interventions as recommended by WHO as 4 prongs which should be implemented simultaneously:

1. Primary prevention of HIV infection among women of childbearing age;

2. Preventing unintended pregnancies among women living with HIV;

3. Preventing HIV transmission from a woman living with HIV to her infant; and

4. Providing appropriate treatment, care and support to mothers living with HIV and their children and families.

70. The care package for women living with HIV thus includes:

- The assessment and diagnosis of clinical and immunological status
- Treatment and prevention of opportunistic infection and Vitamin supplements
- Sexually Transmitted Infection (STI) management
- Counselling on infant feeding
- Ongoing psychological counselling and support
- ARV prophylaxis or antiretroviral therapy
- Early Infant Diagnosis (EID) which is now being piloted in 14 sites and plans are afoot to scaling it with PMTCT to all RCH clinics. El D is a service that verifies the HIV status of babies as early as 6 weeks of birth and so far about a 100 babies were tested and only 1 was found positive.
- Nutrition support

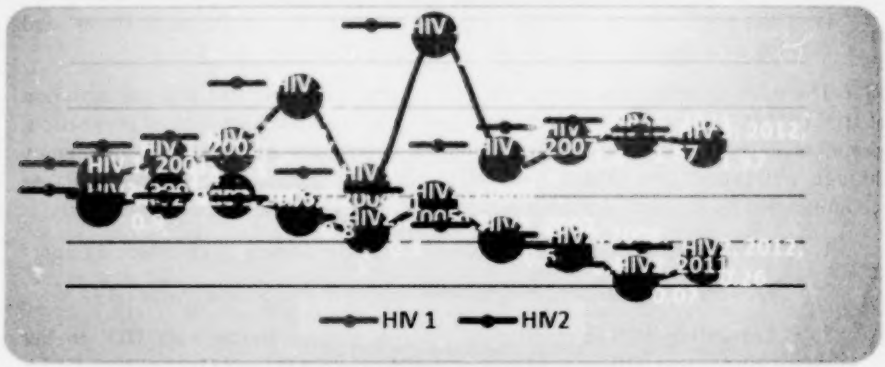
Prevalence of HIV in the Gambia as of 2013

71. Demographic Health Survey+ was conducted in 2013 for the first time in the Gambia and the report shows that the adult HIV prevalence (HIV1&2) is 1.9 per cent among adults 15-49 years. There is no significant differences between the HIV

prevalence of 2.1 per cent (CI: 1.7 per cent-2.5 per cent) among women aged 15-49 years and 1.7 per cent (CI: 1.3 per cent-2.1 per cent) for men of same age group. However modelling with Spectrum for the analysis of HIV situation of a country, the result indicate that 59.7 per cent (11613) of women and 40.3 per cent (7853) of male are living with HIV as of 2013.

72. HIV prevalence among pregnant women is 1.57 per cent (NSS 2012) with an estimated number of 1333 pregnant women needing ARV prophylaxis in 2013 but 729 HIV positive mothers were reached by December 2013 representing 55 per cent coverage. With current interventions, the rate of mother to child transmission of HIV is at 8.48 per cent.

Trends in HIV prevalence among pregnant women, 2000/ 2001 to 2012



Rural women

73. It is indicated in the report that women constitute the majority (65.5 per cent) of the agricultural sector workforce compared to their male counterparts (47.5 per cent) out of a working population of 56 per cent who are engaged in agriculture. Please provide updated disaggregated data on the situation of rural women in all areas covered by the convention. Please also indicate the measure taken and/or envisaged to ensure that rural women have equal access to basic services, including health, education, safe water and sanitation facilities, as well as access to land ownership and management, agriculture support and economic opportunities, including income-generating projects and credit facilities, on an equal and equitable basis with men with their urban counterparts.

Reply to the issues raised in question 16

74. Section 33 of the Women's Act 2010 guarantees rights to women in the rural communities. Every Government agency, organ, body, authority, public institution or private enterprise, individual or community shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality between men and women.

75. Government is to ensure that rural women participate in and benefit from rural development projects and, in particular, should ensure that rural women have the right to participate in the conceptualization, elaboration and implementation of development projects at all levels; benefit directly from social security programmes;

obtain all types of training and education, formal and non-formal, including those relating to functional literacy, as well as, the benefit of all community and extension services, in order to increase their technical proficiency; organize self-help groups and co-operatives in order to obtain access to economic opportunities through employment or self-employment; have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform, as well as, in land resettlement schemes.

76. This section recognizes the particular and specific problems/issues faced by rural women including access to land, agricultural credit, social security benefits to name a few, as well as the need to participate in the conceptualization, elaboration and implementation of development projects at all levels. It makes it Government's responsibility to ensure that these rights are realized.

Marriage and family relations

77. The State party has indicated that customary and personal laws affect the lives of over 90 per cent of women in The Gambia, placing limitations on the application of some of the provisions of the Convention (Para. 95 of HRI/CORE/GMB/2012) and that for most Gambians (95 percent of whom are Muslims), matters relating to marriage, divorce and inheritance are governed by personal or customary law, sharia law for Muslims or customary law for a relatively few traditionalists (Para. 96 of HRI/CORE/GMB/2012). In addition to the information provided in paragraph 6 of the report, please indicate the measures taken, if any, with a view to addressing previous concerns and implicating recommendations of the committee (Para. 189 and 190 of CEDAW/A/60/38), including whether the state party envisages to amend section 33(5) of its 1997 constitution, under which prohibition of discrimination does not apply in respect of adoption, marriage, divorce, burial and devolution of property on death. Considering that the state party has not entered any reservations upon ratification of the convention, please detail the progress made towards ensuring that domestic laws as well as relevant aspects of the sharia are interpreted and applied in ways compatible with the provisions of the convention, including through training of traditional and religious leaders. Please also indicate the measures taken to combat the practice of child and marriages which still persists despite the fact that child marriage is prohibited under the children's Act 2005 (Para. 103 and 104) and to amend the laws that permit child marriages of boys and girls, at different ages.

17a. whether the state party envisages to amend section 33(5) of its 1997 constitution, under which prohibition of discrimination does not apply in respect of adoption, marriage, divorce, burial and devolution of property on death

78. The issues of marriage, divorce, adoption, burial and devolution of property are matters of personal law and the Constitution of The Gambia 1997 in its Sections 7 (c) and (f) recognizes both the Customary and Sharia as matters of personal law applicable to members of the communities to which they apply respectively. The Sharia Courts have the jurisdiction over matters of marriage, divorce and inheritance among Muslim members.

79. The provision of Section 33 (5) (c) as explained above is not considered is therefore not discriminatory in any way and the State Party has no intention of amending it.

17b. Progress made towards ensuring that domestic laws as well as relevant aspects of the Sharia are interpreted and applied in ways compatible with the provisions of the Convention, including through training of traditional and religious leaders

80. The Convention has been domesticated into the Women's Act, 2010 and its aim is to implement the legal provisions of the National Policy for the advancement of Gambian Women and Girls. When its provisions are invoked, the courts would interpret and apply them accordingly.

81. With regards to training of traditional and religious leader, efforts are being made by various bodies to conduct sensitization, and capacity building programs.

82. The judiciary of the Gambia has a judicial Institute which organizes training and programs for Magistrates and Cadis

- Trainings are also conducted for traditional leaders who sit at the various district tribunals in the country.

17c. Measures taken to combat the practice of child marriage which still persists despite the fact that child marriage is prohibited under the Children's Act 2005 and to amend the laws that permit child marriages of boys and girls, at different ages

83. The laws of the Gambia do not permit child marriage in any form. The 1997 Constitution of The Gambia stipulates that marriage should take place between men and women of full age and capacity and based on the "free and full" consent of the intended parties. Similarly, the Children's Act 2005 and the Women's Act 2010 prohibit child marriages. Section 25 of the Children's Act prohibits child betrothal and prevents parents and guardians from withdrawing their children from school for the purpose of marriage.

- In 2014, there was a Presidential declaration that by September 2015, it shall be mandatory for all children to go to school and stay to complete the basic education. This will go a long way in ensuring that boys and girls are put in schools and further discourage the practice of child marriage.

Data collection

84. Please indicate any progress in the development of a specific system for the collection and analysis of data disaggregated by sex and other factors pertaining to all areas of the convention as well as coordination for purposes of gender mainstreaming.

Reply to the issues raised in question 18

85. In 2010, the Office of the Vice President and Ministry of Women's Affairs received support from the UN ECA to prepare the African Gender and Development Index (AGDI). It is hoped that the AGDI will provide quality assurance to programming and report-writing related to gender and development activities in African states, by governments, Civil Society Organizations, as well as bi- and multi-lateral donor agencies. In addition, the availability of the timely and accurate gender disaggregated data will contribute immensely to gender equity, equality and empowerment of Gambian women. As a result, the implementation of the

recommendations of the AGDI study report requires regular monitoring and continuous data collection and analysis to update the AGDI. This also will help to have a proper and reliable database system where information on gender can be generated and disseminated nationally and internationally.

Optional Protocol and amendment to article 20 (1) of the Convention

86. Please indicate any progress made with regard to the ratification of the optional protocol to the acceptance of the amendment to article 20 (1) of the convention.

87. The Gambia has been regularly reporting and participating to the Convention on the status of women held in New York.